

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

| | | |
|--|---|-----------------------|
| ERIC SABATINI, Individually and On |) | |
| Behalf of All Others Similarly Situated, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | C.A. No. 20-1166 (MN) |
| |) | |
| ON DECK CAPITAL, INC., NOAH |) | |
| BRESLOW, DANIEL S. HENSON, |) | |
| CHANDRA DHANDAPANI, BRUCE P. |) | |
| NOLOP, MANOLO SANCHEZ, JANE J. |) | |
| THOMPSON, RONALD F. VERNI, NEIL |) | |
| E. WOLFSON, ENOVA |) | |
| INTERNATIONAL, INC., and ENERGY |) | |
| MERGER SUB, INC., |) | |
| |) | |
| Defendants. |) | |

ORDER

At Wilmington, this 11th day of January 2021:

WHEREAS, on September 1, 2020, Plaintiff Eric Sabatini, individually and on behalf of all others similarly situated, commenced this action by filing a Complaint for Violations of the Securities Exchange Act of 1934 (D.I. 1) against On Deck Capital, Inc., Noah Breslow, Daniel S. Henson, Chandra Dhandapani, Bruce P. Nolop, Manolo Sanchez, Jane J. Thompson, Ronald F. Verni, Neil E. Wolfson, Enova International, Inc., and Energy Merger Sub, Inc. (collectively, “Defendants”);

WHEREAS, the Court docket indicates that no summonses were issued;

WHEREAS, Rule 4(m) of the Federal Rules of Civil Procedure (“Rule 4(m)”) requires Plaintiff to serve Defendants within 90 days after the complaint is filed;

WHEREAS, more than 90 days have elapsed since the filing of the complaint;


WHEREAS, there is no indication on the docket that Defendants have been served or that they have waived service pursuant to Rule 4(d) of the Federal Rules of Civil Procedure; and

WHEREAS, Rule 4(m) provides:

If a defendant is not served within 90 days after the complaint is filed, the court—on motion or on its own after notice to the plaintiff—must dismiss the action without prejudice against that defendant or order that service be made within a specified time. But if the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period.

THEREFORE, IT IS HEREBY ORDERED that, on or before January 25, 2021, Plaintiff shall:

1. File returns of service (or executed waivers of service) indicating that service on each Defendant was made within the 90 days prescribed by Rule 4(m); or
2. Show good cause for (a) the failure to serve Defendants and (b) why the Court should extend the deadline for service (and for how long).


The Honorable Maryellen Noreika
United States District Judge